

Message Text

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43

ACTION AF-18

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TO SECSTATE WASHDC 9627

INFO USMISSION USUN NY

AMCONSUL CAPE TOWN

AMCONSUL DURBAN

AMCONSUL JOHANNESBURG

UNCLAS PRETORIA 1495

E.O. 11652: N/A

TAGS: PINS WA

SUBJ: FURTHER APPEALS TO COURTS OR FLOGGINS IN NAMIBIA

REF: PRETORIA 1218

1. LUTHERAN BISHOP LEONARD AUALA AND ANGLICAN BISHOP SUFFRAGAN RICHARD WOOD ARE CONTINUING THEIR EFFORTS TO RESTRAIN TRIBAL CHIEFS IN NAMIBIA FROM FLOGGING POLITICAL OPPONENTS. ON MARCH 22 SWA SUPREME COURT JUDGE PRESIDENT REFUSED AN APPLICATION BY THE TWO BISHOPS TO PUT RESTRAINTS ON MANNER IN WHICH SOME TRIBAL AUTHORITIES WERE HAVING PEOPLE FLOGGED (REFTEL). ON APRIL 5 AUALA, WOOD AND THOMAS KAMATI, A SWAPO OFFICE BEARER WHO HAD BEEN FLOGGED LAST YEAR, APPLIED TO SUPREME COURT FOR LEAVE TO APPEAL ITS MARCH 22 DECISION AND ASKED THAT INTERDICTION AGAINST FLOGGINGS BE REIMPOSED UNTIL OUTCOME OF THEIR APPEAL WAS KNOWN. THEY APPEALED ON GROUNDS THAT COURT WAS WRONG IN FINDING THAT THE BISHOPS DID NOT HAVE LOCUS STANDI IN THE CASE AND THAT RIGHT OF APPEAL PROTECTED VICTIMS OF ILLEGAL FLOGGINGS. HOWEVER, ON SAME DAY THEY MADE THEIR APPLICATION TO APPEAL, IT WAS TURNED DOWN, AS WAS REQUEST FOR TEMPORARY HALT TO FLOGGINGS.

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2. COUNSEL FOR WOOD, AUALA AND KAMATI THEN RENEWED THEIR APPLICATION TO APPEAL DECISION AGAINST PLACING TEMPORARY BAN ON FLOGGINGS. SWA SUPREME COURT JUSTICE J. J. STRYDOM SAID APPLICATION WOULD BE HEARD APRIL 17. NEVERTHELESS, BISHOP WOOD STATED ON APRIL 9 THAT HE WOULD PETITION SOUTH AFRICAN CHIEF JUSTICE IN BLOEMFONTEIN FOR LEAVE TO APPEAL AGAIN SWA SUPREME COURT DECISIONS ON FLOGGINGS.
HURD

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